

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action dated August 25, 2004, claims 1-45 were pending. Claims 2, 5, 8, 10-21 and 38-41 were rejected under 35 U.S.C. § 112 and U.S.C. § 102(e). Portions of the drawings and specification were objected. Claims 1, 3-4, 6-7, 9, and 22-30 were allowed. Claims 31-38 and 42-45 were objected to, but would be allowable if rewritten in independent forms.

An amendment was filed under 37 C.F.R. § 1.116 expedited procedure and an advisory action was issued. In the advisory action, the amendment was not entered.

In this response, claims 31-32, 35-36, and 42-43 have been canceled without prejudice. Claims 2, 5, 8, 10, 15, 20, 26, 33-34, 37-38, and 44-45 have been amended. Figure 9 has been amended to correct typographic errors. A portion of the specification has been amended to remove certain text that was added in a previous response. No new matter has been added.

Specifically, independent claims 10, 15, and 20 have been amended to include an allowable subject matter of the objected claims 31-32, 35-36, and 42-43 respectively. Thus, all independent claims are allowable. Given that the rest of the claims depend from one of the independent claims, it is respectfully submitted that all claims are allowable.

Portions of the specification that were amended in a previous amendment were objected as a new matter. Accordingly, the specification has been amended to conform to the Examiner's comments.

Claims 2, 5 and 8 are rejected under 35 U.S.C. § 112, first paragraph. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

Claims 10-21 and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Joshi et al., U.S. Patent No. 6,668,090 ("Joshi"). In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome. While Applicant does not concede that the Examiner's position is correct on the merits, Applicant has sought to obtain the claims that were objected to. Withdrawal of the rejections is respectfully requested.


In view of the foregoing, Applicants respectfully submit the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 11/22/04

  
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